

REMARKS / ARGUMENTS

The paragraph beginning at page 18, line 16, of the specification has been amended to correct a typographical error.

Claims 1-24 were pending in the above-captioned patent application at the time of the Office Action. Claims 21-24 have been withdrawn from consideration as being readable on a non-elected species and are now canceled. New claims 25-27 directed to the elected species are added.

The Office Action rejects claims 1-5, 7, 10-12 and 15-18. Claims 6, 8, 9, 13, 14, 19 and 20 are objected to but would be allowable if rewritten in independent form. In response to the objections and rejections, applicant amends claims 1, 8, and 10 and cancels claims 9 and 14. Each specific ground of rejection is addressed below.

Rejections Under 35 U.S.C. §102

Claims 1-5, 7, 10-12 and 15-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,873,127 to McNichol, Jr. et al. Claim 1 has been amended to include all the limitations of allowable (and now canceled) claim 9. Allowable claim 8 has been amended to include all the limitations of rejected original base claim 1. Claim 10 has been amended to include all the limitations of allowable (and now canceled) claim 14. Accordingly, claims 1, 8, and 10 are now allowable. Claims 2-7 are likewise allowable as depending directly or indirectly on allowable claim 1 and claims 11-13 are allowable as depending directly or indirectly on allowable claim 10.

It is respectfully submitted that original claim 15 traverses the instant ground of rejection by reciting at least one limitation not disclosed in McNichol, Jr. et al. "... [A]nticipation requires that all of the elements and limitations of the claim are found within a single prior art reference." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 18 USPQ2d 1896 (Fed. Cir. 1991).

Claim 15 requires a driver seat segment, a passenger seat segment, and a backrest assembly including a support arm and a back bar. The backrest assembly has a first

selective operational position characterized by an essentially vertical orientation and a second selective operational position characterized by an essentially horizontal orientation. The examiner contends that McNichol, Jr. et al. discloses structure corresponding to the claimed driver seat segment (22), passenger seat segment (10), and backrest assembly (44) including the support arm (76) and back bar (94) and further contends that the corresponding backrest assembly of McNichol, Jr. et al. is transitionable between the first vertically-oriented position and the second horizontally-oriented position.

Even assuming the examiner's construction of McNichol, Jr. et al. recited above to be true, original claim 15 nevertheless recites additional limitations not disclosed in McNichol, Jr. et al. Claim 15 further requires **the back bar to be positioned adjacent both the seating surface of the driver seat segment and the seating surface of the passenger seat segment when the backrest assembly is in the second selective operational position.** In addition, the back bar is required to adjoin the height of the rear edge of the driver seat segment and the height of the front side of the passenger seat segment such that the external surface of the back bar is essentially even with the height of the rear edge and the height of the front side. This position of the back bar exposes an essentially smooth continuous transition between the driver seat segment and the passenger seat segment.

McNichol, Jr. et al. contains no teaching or suggestion of the claim limitations recited in the preceding paragraph. When the structure of McNichol, Jr. et al. corresponding to the backrest assembly is in the second selective operational position, the back bar is only positioned adjacent the passenger seating surface, NOT the driver seating surface. As shown in Appendix B of the Office Action, the back bar is on the opposite side of the passenger seating surface from the driver seating surface when the backrest assembly is in the second selective operational position. It is further apparent from Appendix B that the external surface of the back bar is not even with the height of the rear edge of the driver seat segment, nor does the position of the back bar expose an essentially smooth continuous transition between the driver seat segment and the passenger seat segment.

Claims 16-20 are likewise allowable as depending directly or indirectly on allowable claim 15. Claims 19 and 20 additionally traverse the instant ground of rejection for the reasons stated in the Office Action.

The remaining prior art references made of record and not relied upon have been considered by applicant, but are not deemed sufficient to render the instant pending claims unpatentable.

New Claims

New claims 25-27 are added to supplement the scope of claim coverage and are believed allowable over the references of record. In particular, claim 25 requires a seat and a backrest assembly, which has a first selective operational position characterized by an essentially vertical orientation and a second selective operational position characterized by an essentially horizontal orientation. The backrest assembly includes a support arm and a back bar. The support arm has a pivot end and a free end; the free end engages the back bar and the pivot end extends away from the back bar and rotatably engages the seat. Claim 25 further requires the backrest assembly to be transitionable from the first selective operational position to the second selective operational position by rotating the support arm about the pivot end in a first direction until the back bar attains an adjacent position adjacent the front side and distal the rear side of the seat and at least a portion of the length of the support arm is positioned adjacent the first or second lateral side of the seat. The backrest assembly is transitionable from the second selective operational position to the first selective operational position by rotating the support arm about the pivot end in a second direction until the back bar attains an overhead position overhead the seat more distal the front side and more proximal the rear side of the seat than the adjacent position and the portion of the length of the support arm is overhead the seat more distal the first or second lateral side.

As noted above, it is contended that the backrest assembly (44) of McNichol, Jr. et al. includes a back bar (94) and a support arm (76), which has a pivot end (80) rotatably

engaging the seat (10) and a free end (100) engaging the back bar. The backrest assembly is transitionable between the first and second selective operational positions by rotating the support arm about the pivot end. In accordance with the examiner's construction of McNichol, Jr. et al. shown in Appendix A, the back bar is positioned adjacent the front side of the seat when the backrest assembly is in the second selective operational position and remains positioned adjacent the front side of the seat when the backrest assembly is transitioned from the second selective operational position to the first selective operational position. The entirety of the support arm including the pivot end is positioned adjacent the back bar in both the first and second selective operational positions, with no portion of the support arm being positioned adjacent a lateral side of the seat in either selective operational position. Furthermore, the support arm is more proximal the lateral side of the seat in the first selective operational position than in the second selective operational position.

In contrast to McNichol, Jr. et al., claim 25 requires displacement of the back bar from the adjacent position to an overhead position which is away from the front side of the seat when the backrest assembly is transitioned from the second selective operational position to the first selective operational position. In further contrast to McNichol, Jr. et al., claim 25 requires the pivot end of the support arm to extend away from the back bar and requires at least a portion of the length of the support arm to be displaced from a position away from the first or second lateral side of the seat to a position adjacent the first or second lateral side of the seat when the backrest assembly is transitioned from the first selective operational position to the second selective operational position.

Claims 26 and 27 are likewise distinguishable from McNichol, Jr. et al. as depending on claim 25.

Conclusion

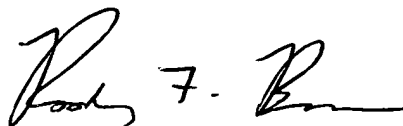
In conclusion, applicant respectfully asserts that all pending claims 1-8, 10-13, 15-20, and 25-27 in the instant patent application are allowable for the reasons set forth

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above. Accordingly, an early notice of allowance is earnestly solicited. The Examiner is requested to call the undersigned at (858) 272-8705 for any reason that would advance the instant application to issue.

Finally, it is noted that any assumptions recited above relating to the examiner's construction of applicant's claims and/or the prior art teaching are offered solely for the purpose of framing applicant's arguments to advance the patentability of the claims at issue and are not to be construed as admissions of fact by the applicant or acquiescence to the examiner's position.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney F. Brown". The signature is fluid and cursive, with the first name "Rodney" being more prominent than the last name "Brown".

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